

ENTERED

July 15, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MICHAEL BATES, SPN # 02193095, §
§
Petitioner, §
§
VS. § CIVIL ACTION NO. 4:20-1377
§
ED GONZALEZ, §
§
Respondent. §

ORDER

On June 23, 2020, the Court dismissed Bates' habeas petition without prejudice for failure to exhaust state court remedies (Dkt. 10). Bates has filed a motion requesting compliance with Texas Code of Criminal Procedure article 11.15, which the Court construes as a timely motion for reconsideration under Federal Rule of Civil Procedure 59(e).

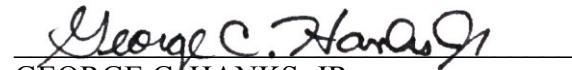
Federal Rule of Civil Procedure 59(e) permits a litigant to file a motion to alter or amend a judgment. A motion for reconsideration “is not the proper vehicle for rehashing evidence, legal theories, or arguments that could have been offered or raised before the entry of judgment.” *Templet v. HydroChem Inc.*, 367 F.3d 473, 479 (5th Cir. 2004). Instead, Rule 59(e) serves the narrow purpose of allowing a party to bring errors or newly discovered evidence to the Court’s attention. *See In re Rodriguez*, 695 F.3d 360, 371 (5th Cir. 2012). “[A]n unexcused failure to present evidence available at the time of summary judgment provides a valid basis for denying a subsequent motion for reconsideration.” *Templet*, 367 F.3d at 479.

Bates's filing requests that the Court comply with Texas constitutional and statutory provisions applicable to release on bail, and urges that the Court intervene in state criminal proceedings under the "extraordinary circumstances" exception to *Younger v. Harris*, 401 U.S. 37, 44-45 (1971). He makes arguments that were raised, or could have been raised, before the Court entered judgment. Moreover, the Court considered and addressed Bates's arguments in its prior opinion. Relief under Rule 59(e) therefore is denied.

The Court **ORDERS** that Bates's motion for reconsideration (Dkt. 11) is **DENIED**.

The Clerk will provide copies of this order to the parties.

SIGNED at Houston, Texas, this 15th day of July, 2020.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE